

M/D 1

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

2022 OCT -6 A 10:45

James Milton Cain DEBRA P. HACKETT, CLK  
Full name and prison name of U.S. DISTRICT COURT  
Plaintiff(s) MIDDLE DISTRICT ALA

v.

CIVIL ACTION NO. 2:22-cv-00596-ECM-SMD  
(To be supplied by Clerk of U.S. District  
Court)

Ms. Rolanda Calloway, Warden III  
Mr. Baldwin, WARDEN II  
Mr. Charles McKee, Captain, Admin.  
Mr. Falls, Captain, Security  
Mr. M. McCullough, B.C.O.  
Alabama Dept. of Corrections  
Name of person(s) who violated your  
constitutional rights. (List the names  
of all the person.)

## I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ☐ No ☒
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ☐ NO ☒
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) NONE

Defendant(s) NONE

2. Court (if federal court, name the district; if state court, name the county)

NONE

3. Docket number NONE
4. Name of judge to whom case was assigned NONE
5. Disposition (for example: was the case dismissed? Was it appealed? Is it still pending?) NONE
6. Approximate date of filing lawsuit NONE
7. Approximate date of disposition NONE

II. PLACE OF PRESENT CONFINEMENT ELMORE CORRECTIONAL FACILITY  
3520 MARION Spillway Road,  
ELmore, ALABAMA 36025

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED ELMORE CORR. Facility  
3520 Marion Spillway Road, ELMORE, ALABAMA 36025 (Dorm A2, Bed 40-56 In Bed Area)

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>Rolonda Calloway, Warden III</u>	<u>Elmore Corr. Facility 3520 Marion Spillway Rd. Elmore, AL, 36025</u>
2. <u>Mr. Baldwin, Warden II</u>	<u>Elmore Corr. Facility 3520 Marion Spillway Rd. ELMORE, AL, 36025</u>
3. <u>Charles McKee, Capt, Admin.</u>	<u>Elmore Corr. Facility 3520 Marion Spillway Rd. ELMORE, ALABAMA 36025</u>
4. <u>Mr. Fails, Capt. Sec.</u>	<u>Elmore Corr. Facility 3520 Marion Spillway Rd. ELMORE, ALABAMA 36025</u>
5. <u>Mr. M. McCullough, BOB</u>	<u>Elmore Corr. Facility 3520 Marion Spillway Rd. ELMORE, ALABAMA 36025</u>
6. <u>Alabama Dept. of Corrections</u>	<u>301 South Ripley Street P.O. Box 301501 Montgomery, Alabama 36130-1501</u>

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED MAY 10TH, 2022 -

MAY 11, 2022, and continues.

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Because of lack of Security trained COE, officers, A-drug induced inmate who was drinking home-made

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

Prison Whiskey, and was trying to leave this Camp because of the debts. he owed other inmates, mentally wiggled out, and I was the closest inmate available to him did stab me with prison made shank (knife) Seven (7) times in my stomach and back areas. causing me to be sent to Jackson Hospital, in Montgomery, Alabama.

GROUND TWO: This Institution has no medical personell to Address Any arising serious medical needs that occur. They have a nurse that distributes medications than leaves the Institution to go -

SUPPORTING FACTS: back to Statons Health Care Unit at Staton Prison a mile or more down the road, Inmates with serious injuries or health-care problems have to be transported to Staton Prisons Health Care Unit before they can achieve any help medically or for a Ambulance can pick them up for transport to a regular hospital where they can get Adequate medical Care.

GROUND THREE: The Alabama Dept. of Corrections, Administrative Regulations are not be<sup>ing</sup> enforced governing Officer or Inmates, or Administrators, to include Commissioners, and Wardens et al.

SUPPORTING FACTS: No Inmate Regulations are posted in any dorms or Common Areas, The Law libraries are inadequate in order to keep inmates ignorant to Administrative Regulations and current laws, The plaintiff is a Minimum Custody (out) inmate, and should have been sent to a Minimum Custody Institution per regulations, long before the May 10<sup>th</sup> 2022 stabbing, and who is still in a Security Level (4) Camp institution instead of a level II camp per Administrative Regulations,

(Please See Statement of Facts)

NOTE :

... ATTACHMENT...

... Supporting Grounds mentioned above...

"GROUNDS"  
AND  
"STATEMENT"

9-6-22

On May 10, 2022, I, James Milton Cain, AIS #130398 did try to speak with another inmate (Mr. Inmate: Cannon) about respecting your neighbor at night when they are asleep because Mr. Cannon who's Aliasly known as "Bishop" would climb up and down on his bunkbed 10 to 12 x's a night, and he sleeps on bed #5B and I sleep on bed #4B. When Mr. Cannon would get down off his rack (Bunkbed) he would grab a hold by reaching across the aisle to my bed #4B, using it to jump down to the floor thereby when doing so caused my bed #4B, and the bed below me which is bed #4A to shake, and rock which would wake me, and my bunk partner up. But before we could talk about it, he did snapped, and started kicking me and hit me on top of the head with something hard, I looked back up at him and he was holding a knife and was trying to gouge my face, so I threw my right arm up trying to block his thrust and hit him with my left fist hoping he'd drop the knife but instead he jumped down, and Officer <sup>(McCullough)</sup> B.C.O. was telling "Bishop" to stop and Cannon hit me twice with <sup>the</sup> knife in <sup>the</sup> left side mid section of my stomach, and once in the hand, My Air left my lungs and I backed up from Cannon towards the wall behind the bed, and went to one knee on the floor, and remembered (10) or (15) other inmates screaming at Officer McCullough to do something because he was less than 20 feet away and they were telling B.C.O. McCullough that another inmate was stabbing "Cain" but he wouldn't move, while this was going on Mr. Cannon "Bishop" did jump on my back and stuck me (4) Four more

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times, once in the back of my left <sup>ARM</sup> arm, and (3) more times in the left side of my BACK, the upper stab of the 3 nicked an Artery so the hospital said. After Cannon found out <sup>realized</sup> realized that B.C.O. McCullough hit his radio, Cannon tried to dispose of the knife by throwing it under another bunk but one of the first officer on scene saw him throw it while the other officer COI Barnes dealt with Cannon who was resisting, B.C.O. officer McCullough did come over to the area after 3 or 4 more officers showed up on the scene and had Mr. Cannon "Bishop" restrained.

I was handcuffed by COI Storey and made to walk to the Back Gate Area a 100 to 150 yards away from the dorm from where the incident occurred, I <sup>was</sup> placed on a Transport Van and taken to the Staton Health Care Unit, a mile down the road from the Elmore Corr. Facility. I sat on table and a nurse helped me take off my button-up shirt which was blood soaked, then my Russell light-weight long sleeve shirt, and my T-shirt, the Russell shirt and T-shirts were thrown away because they were completely saturated with my blood they would have never come clean again. Anyway, a black man came in and looked at me and then told a nurse to call an ambulance, while I was waiting another nurse gave me a tetanus-shot, and Captain McKee came in the room and looked me over and ask what happened and I told him that "Bishop" (Cannon) had been up three or more days on the drug called "ICE" and was drinking home made whiskey and he wigged-out on me, sticking me with a knife.

Then the Ambulance people picked me up on a gurney and transported me to Jackson Hospital in Montgomery, The two

[TWO]

A.D.O.C. Officers, COI Buck and COI Garrison waited in the emergency rooms, Room for over (3) Three Hours before anyone came in to see me, officers Buck and Garrison went to the Nurses Station next to my room, several times asking nurse's if anyone was going to see me, finally a nurse came in and cleared my Back and the Front where the wounds were, another nurse sent me for x-rays and when I got back to my room a doctor and nurse looked at me and the doctor told the nurse to stitch me up which she did and she informed Officers Buck and Garrison that they wanted to observe me overnight, and released me the next day.

They wrote a prescription for Pain but I received -0- when I got back to STATON/ELMORE Correctional Facilities because they weren't going to give any inmate any free-world prescribed medication without him paying for it first, Indigent Inmates due without.

When I arrived back at Elmore Prison I was sent back to my dorm A-2, and bunkbed 4B, and I laid down for awhile after climbing to the Top bunk-4B Top, with stitches front and back hurt like heck but I made it up there, Health Care said I was suppose to see the doctor the next day, But of course the Health Care Unit at Staton Prison never called for me so I didn't, After a week the nurses who come up for Sick-Call from Staton C.F. and took the stitches out of me on the Visitation Yard. The bad part about a upper Bunk is I have a permanent bottom bed Profile for over 20 years but I'm still at Age 62 climbing up to get to my bed, Again, the Shift Office and I.C.S. could care less if I slept on the floor as a few have done in [THREE]

present, and past. My dorm was a Old timers dorm for more older, settled inmates. But someone in the Administration Building decided to make a 'Hot Dorm' by placing more violent, drug users, thieves, trouble makers who are 90% much younger inmates with very bad to nasty attitudes and more prone to violence. This year alone there's been over (20) twenty assaults, several stabbings, blundered locks, Broom handles or fist fights. There are too many knives in the Camp.

There are no structures in any of the dorms not even their A-1 Honor Dorm, there are no Admin. Regulations or Rules posted in any dorms as it used to be required to do so a couple decades ago. Inmates don't understand the consequences behind their actions like they did with the posted up Rules and Regulations.

Inmates probably couldn't read the Rules and Regulations if they were posted anyway because A-2 Dorms lights which consist of (88) light fixtures only half or less, are out, and its dungeon style of lighting gives inmates headaches due to eye strain.

The best word from "Websters Dictionary" to best describe Elmore Corr. Facility would be the word; (INEFFABLE) which means "Something that's undecipherable or unspeakable".

Respectfully Submitted By;

Plaintiff: James Milton Cain, #130398  
3520 Marion Spillway Road  
Elmore, Alabama 36025

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.

MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

*I'd appreciate this Hon. Court issuing a restraining order of retaliatory action by the A.D.C.*

*I'd appreciate this Honorable Court appointing me a Attorney,*

*I'd appreciate this Honorable Court ordering a completed physical outside the A.D.C.*

*I'd appreciate this Hon. Court awarding compensation for the injuries and Constitutional Rights violated. And a investigation into this institution for*

*assaults of inmates in the last 5-years, And a order moving me to a Level #2 Institution because of my custody/security status being level two.*

*James Milton Cain*  
\_\_\_\_\_  
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 28<sup>th</sup>, 2022  
(Date)

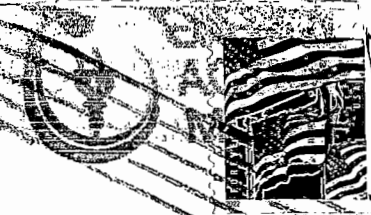
*James Milton Cain*  
\_\_\_\_\_  
Signature of plaintiff(s)



JAMES M. CAIN #130398 A2-4B  
Elmore Correctional Facility  
1520 Marion Spillway Road  
Elmore, Alabama 36025

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